

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America

v.

BRANDON YAZZIE
Year of Birth 1993Case No. **22 MJ 527***Defendant(s)*United States District Court
Albuquerque, New MexicoMitchell R. Elfers
Clerk of Court

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

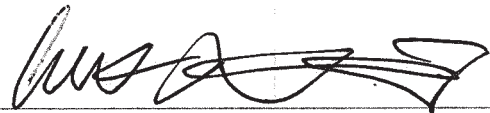
On or about the date(s) of 12/1/2020 to 1/31/2021 in the county of McKinley in the
District of New Mexico, the defendant(s) violated:

| <i>Code Section</i> | <i>Offense Description</i> |
|----------------------|--|
| Title 18 §1153 | Offenses Committed Within Indian Country |
| Title 18 §2241(c) | Aggravated Sexual Abuse |
| Title 18 §2246(2)(A) | Contact Between Penis and Vagina |

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This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.*Complainant's signature*

CURTIS IMMING/SA

*Printed name and title*Sworn to before me and signed ~~XXXXXX~~
telephonically and electronically. JHRDate: April 4, 2022*Judge's signature*City and state: Albuquerque, NM

Jerry H. Ritter U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF
CRIMINAL COMPLAINT

I, Curtis Imming, being duly sworn, state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. This affidavit is made in support of a Criminal Complaint and an application for an Arrest Warrant for BRANDON YAZZIE., year of birth 1993.

2. I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have been so employed since July 2014. I am currently assigned to the Albuquerque Field Office, Gallup Resident Agency (GRA). My primary duties as a Special Agent with the FBI include investigating crimes occurring in Indian Country. I have gained experience in the conduct of such investigations through previous case investigations, formal training, and in consultation with law enforcement partners in local, state and federal law enforcement agencies. As a Federal Agent, I am authorized to investigate violations of the laws of the United States and have authority to execute arrest and search warrants issued under the authority of the United States.

3. This affidavit is based upon my personal knowledge, and upon information reported to me by other federal, state, and local law enforcement officers during the course of their official duties, all of whom I believe to be truthful and reliable. Throughout this affidavit, reference will be made to law enforcement officers. Law enforcement officers are those federal, state, and local law enforcement officers who have directly participated in this investigation, and with whom your affiant has had regular contact regarding this investigation. This affidavit is also based upon information gained from interviews with cooperating citizen witnesses, whose reliability is established separately herein.

4. Based on my training, experience, and the facts set forth in this affidavit, I believe there is probable cause that violations of United States Code Title 18 §1153 – Offenses Committed within Indian Country, §2241(c) - Aggravated Sexual Abuse, and §2246(2)(A) – Contact with Penis and Vagina, were committed by BRANDON YAZZIE.

5. Because this affidavit is submitted for the limited purpose of securing authorization for a Criminal Complaint and Arrest Warrant, I have not included each and every fact known to me concerning this investigation. This affidavit is intended to show that there is sufficient probable cause for the requested warrant.

PROBABLE CAUSE

6. On September 22, 2021, FBI AQ, GRA received a referral from the City of Avondale Police Department, Avondale, Arizona. The referral documented the sexual assault of A.C.V. (hereinafter referred to as JANE DOE, juvenile) YOB 2009 by her uncle, BRANDON YAZZIE. The sexual assault occurred between December 2020 and January 2021 and took place at YAZZIE's residence in Standing Rock, New Mexico. JANE DOE was under the age of 12 at the time of the alleged offense.

7. Pages 14 and 15 of the APD report dated August 20, 2021, which documented the Forensic Interview of JANE DOE by APD, provided around December 2020 to January 2021, JANE DOE was sleeping in the back room of her grandfather's residence where it was nice and cool. JANE DOE and YAZZIE slept in the back room and one night she felt YAZZIE begin to touch her "down here." YAZZIE reached over JANE DOE towards where the dog was sleeping, and YAZZIE began to touch JANE DOE's "side breast." JANE DOE was in shock and petrified as YAZZIE began to move himself closer to her. YAZZIE was touching JANE DOE with his hands over her clothes. YAZZIE touched JANE DOE's lips and tried to push JANE DOE's head

under the blankets. JANE DOE thought YAZZIE was trying to push her head towards his private area. JANE DOE could feel YAZZIE's penis touching her, and he tried to pull her hips back. JANE DOE remembered wishing it would stop.

8. On another occasion, JANE DOE was looking for a modem inside the same residence and YAZZIE began showing JANE DOE pictures of girls with no pants on. JANE DOE found the modem in the back bedroom on the bed. When she reached for the modem, YAZZIE pushed her onto the bed. YAZZIE then pulled JANE DOE's pants and underwear down and tried to "rape" JANE DOE. JANE DOE was lying face down on the bed with her arms underneath her and YAZZIE pushed his whole body against her. YAZZIE put his penis into JANE DOE's private area which JANE DOE identified as her vagina. When finished, YAZZIE stood up shaking his head. JANE DOE pulled up her pants and went into the living room. JANE DOE thought YAZZIE was 27 years old at the time of the sexual assault of JANE DOE.

9. JANE DOE provided that was the only incident where YAZZIE penetrated her vagina.

10. YAZZIE was interviewed on March 16, 2022. JANE DOE was YAZZIE's Niece and YAZZIE knew why the FBI wanted to speak to him. It was about the comment JANE DOE made about YAZZIE touching her. JANE DOE had made the claim that YAZZIE had sexually assaulted her while JANE DOE was living in Phoenix, Arizona.

11. YAZZIE thought JANE DOE was a sexual person and more times than not, JANE DOE would follow YAZZIE around and she didn't want to play with the other kids.

12. YAZZIE had sexual intercourse with JANE DOE in the back room of the house and YAZZIE didn't want to give any details about the sexual intercourse, but it was "all the way" a "home run." YAZZIE and JANE DOE's clothes were not all the way off, but they were partially

off. YAZZIE was standing and JANE DOE was not fully on her stomach, but she was bent over. YAZZIE pulled JANE DOE's pants down. YAZZIE's penis penetrated JANE DOE but it didn't penetrate all the way. YAZZIE didn't thrust all the way to where JANE DOE's butt hit his hips but the tip of his penis fully penetrated JANE DOE's vagina. YAZZIE penetrated enough to ejaculate. YAZZIE fondled JANE DOE "intimately" to include her breasts and vagina. JANE DOE's shirt was still on.

13. According to YAZZIE, JANE DOE didn't say anything while the sexual assault was taking place and YAZZIE thought JANE DOE may have been 13 or 14 years old at the time. The sexual intercourse lasted about two minutes and YAZZIE ejaculated in his hand.

14. According to YAZZIE, when YAZZIE finished, he put his clothes back on, washed up, and told JANE DOE "this never happened." YAZZIE realized he made a mistake.

15. The sexual assault took place in the back bedroom and no one else was around except YAZZIE's father and two other kids. This was the only time YAZZIE had intercourse with JANE DOE.

16. YAZZIE did gesture for JANE DOE to perform oral sex on him, and she did. This was at the same time they had vaginal intercourse and JANE DOE inserted YAZZIE's penis into her mouth. The oral sex lasted about a minute or two and it was before vaginal intercourse.

17. According to YAZZIE, he believed the sexual assault may have taken place two years or two winters ago. It may have been last winter. This statement is consistent with JANE DOE's account of the approximate timeframe of the sexual assault. JANE DOE was interviewed by a Child Forensic Interviewer at the Southwest Family Advocacy Center, Goodyear, Arizona in September 2021 which was approximately 8 months after the sexual assault took place. This was when JANE DOE disclosed the sexual assault by YAZZIE.

18. YAZZIE was worried about anyone finding out and if JANE DOE was there during the interview, YAZZIE would apologize to her for his actions. That was not what JANE DOE should expect from her uncle.

JURISDICTIONAL STATEMENT

19. The offenses detailed in this affidavit were committed within the exterior boundaries of the Navajo Nation Indian Reservation.

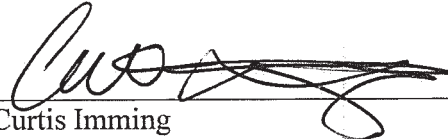
20. BRANDON YAZZIE is enrolled Navajo.

CONCLUSION

21. Based on my training, experience, and the facts set forth in this affidavit, I believe there is probable cause that violations of United States Code Title 18 §1153 – Offenses Committed within Indian Country, §2241(c) - Aggravated Sexual Abuse, and §2246(2)(A) – Contact with Penis and Vagina, were committed by BRANDON YAZZIE against JANE DOE, who was under the age of 12 at the time of the alleged offense.

Supervisory Assistant United States Attorney Kyle T. Nayback reviewed and approved this affidavit for legal sufficiency.

Respectfully submitted,


Curtis Imming
Special Agent
Federal Bureau of Investigation

Telephonically SUBSCRIBED and SWORN to before
me this 4th day of April, 2022.


Jerry H. Ritter
United States Magistrate Judge

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